

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Virginia Beach, City of - Communications Div.	)	
	)	
Owner of Antenna Structure No. 1205896 and	)	File No.: EB-FIELDSCR-13-00012092
Owner of Antenna Structure No. 1205897	)	File No.: EB-FIELDSCR-13-00012104
	)	
Virginia Beach, Virginia	)	NOV No.: V201432640001

**NOTICE OF VIOLATION**

**Released: November 12, 2013**

By the Resident Agent, Norfolk Resident Agent Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Virginia Beach, City of - Communications Div., owner of antenna structure numbers 1205896 and 1205897, in Virginia Beach, Virginia. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On November 1, 2013, an agent of the Commission's Norfolk Resident Agent Office inspected the locations registered to antenna structure numbers 1205896 and 1205897, in Virginia Beach, Virginia, and observed the following violation(s):

- a. 47 C.F.R. § 17.57: "The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction (FCC Form 854-R) and/or dismantlement (FCC Form 854). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information." On November 1, 2013, the agent observed that the antenna structures had been constructed. A review of the FCC ASR database found that Virginia Beach, City of - Communications Div. had not updated the records to indicate that the antenna structures were constructed.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Virginia Beach, City of - Communications Div. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> 47 U.S.C. § 403.

response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Virginia Beach, City of - Communications Div. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Virginia Beach, City of - Communications Div. with personal knowledge of the representations provided in Virginia Beach, City of - Communications Div.'s response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the company's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Norfolk Resident Agent Office  
1457 Mount Pleasant Road, Suite 113  
Chesapeake, Virginia, 23322

6. This Notice shall be sent to Virginia Beach, City of - Communications Div. at its address of record.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

#### FEDERAL COMMUNICATIONS COMMISSION

Greg Coons  
Resident Agent  
Norfolk Resident Agent Office  
South Central Region  
Enforcement Bureau

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<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).